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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,734	08/03/1999	ROBERT M. COOPER	06975/043001	2169

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JOHN C PHILLIPS
FISH & RICHARDSON PC
601 13TH STREET NW
WASHINGTON, DC 20005

EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/365,734

Applicant(s)

COOPER ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 3, 5A, 5B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "618" and "628" on line 33, page 10; "618" on lines 4, 21. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "615" on figure 6B. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to

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the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8-17, 19-25, 28-32, 34-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (US 5,734,853).

Regarding claim 1, Hendricks et al. (hereinafter referred to as Hendricks) discloses a computer-implemented method of providing interactive links in TV programming comprising: receiving a TV signal including a graphic symbol (col. 11, lines 60-67; col. 21, lines 20-32); generating an active region corresponding to the graphic symbol (col. 7, lines 55-60, col. 12, lines 3-28); and triggering a predetermined action associated with the active region in response to viewer input (see col. 6, lines 34-47; col. 13, line 14- col. 14, line 47; figures 27c).

Regarding claim 2, Hendricks discloses the received TV signal comprises TV picture data having the graphic symbol embedded therein (see col. 11, lines 60-64; col. 21, lines 28-32 and figure 27a).

Regarding claim 3, Hendricks discloses the graphic symbol in the TV signal is specified by a broadcaster of the TV signal (see col. 11, lines 50-67).

Regarding claim 4, Hendricks discloses receipt of the TV signal further comprises receiving information defining the active region to be generated (see col. 42, line 50-col. 43, line 31).

Regarding claim 5, Hendricks discloses receipt of the TV signal comprises receiving information defining the predetermined action to be triggered (see col. 13, lines 13-col. 60).

Regarding claim 8, Hendricks suggests the active region is a same size and shape and at a same location as the received graphic symbol (see figures 28a-29g).

Regarding claim 9, Hendricks suggests a method as discussed in the rejection of claim 8. Hendricks further discloses if the video is to be in reduced size, so as to be placed within a video window. The video is scaled to the appropriate size (see col. 43,

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lines 24-50). Inherently, the active region roughly approximates the size, shape and/or location of the received graphic symbol.

Regarding claim 10, Hendricks discloses the generated active region is visually transparent to the viewer (see figures 12h, 28a-29g and col. 32, lines 61-63).

Regarding claim 11, Hendricks discloses the generated active region is visible to the viewer (see figures 28a-29g).

Regarding claim 12, Hendricks suggests the visible active region is translucent (see figures 28a-29g).

Regarding claim 13, Hendricks discloses the visible active region enhances an appearance of the received graphic symbol (see figures 28a-29g).

Regarding claim 14, Hendricks discloses the visible active region serves as a visual cue to the viewer that the active region is available (see figures 28a-29g).

Regarding claim 15, Hendricks discloses generation of the active region comprises modifying an appearance of the active region (see col. 41, line 55- col. 42, line 10).

Regarding claim 16, Hendricks discloses the active region's appearance is modified in response to the passage of time (see col. 34, lines 53-59).

Regarding claim 17, Hendricks discloses the active region's appearance changes based on a current context (see figures 22a-22e)

Regarding claim 19, Hendricks discloses the active region's appearance changes in response to an event (see figures 17-19).

Regarding claim 20, Hendricks discloses the event comprises detecting that a viewer has indicated interest in the active region (see col. 13, line 14-col. 14, line 10, figure 10).

Regarding claim 21, Hendricks discloses the event comprises detecting that a viewer has selected the active region (see col. 13, line 47-col. 14, line 10 and figure 10).

Regarding claim 22, Hendricks discloses each of the choices of subscription programming preferably is assigned a different color (see col. 34, lines 9-10 and col. 35, lines 28-36). Inherently, modification of the active region's appearance comprises changing color.

Regarding claim 23, Hendricks discloses the viewer input that triggers the predetermined action comprises selection of the active area (see figures 20a-20c).

Regarding claim 24, Hendricks discloses triggering the predetermined action comprises accessing a resource linked to the active region (see figures 16-20).

Regarding claim 25, Hendricks discloses the accessed resource comprises a movie file (see figures 16-20).

Regarding claim 28, Hendricks discloses the accessed resource comprises a local function (see col. 11, lines 25-49).

Regarding claim 29, Hendricks discloses the local function comprises a TV or VCR control operation (see col. 11, lines 25-49).

Regarding claim 30, Hendricks discloses prior to triggering the predetermined action, modifying the predetermined action associated with the active region (see col. 11, line 50-col. 12, line 28).

Regarding claim 31, Hendricks discloses predetermined action is modified in response to the passage of time (see col. 34, lines 53-59).

Regarding claim 32, Hendricks discloses the active region's appearance changes based on a current context (see figures 22a-22e)

Regarding claim 34, Hendricks discloses predetermined action is changed in response to an event (see figures 17-19).

Regarding claim 35, Hendricks discloses the event comprises detecting an action performed by the viewer (see col. 13, line 14-col. 14, line 10, figure 10).

Regarding claim 36, Hendricks discloses modification of the predetermined action comprises changing an address of a link associated with the active region to specify a different source (see figures 20a-20c and figures 22a-22e).

Regarding claim 37, Hendricks discloses the TV signal includes a plurality of graphic signals within a TV frame (see col. 9, lines 6-20 and col. 11, lines 60-66).

Regarding claim 38, Hendricks suggests generating a separate active region for each graphic signal (see figures 28a-29g).

Regarding claim 39, Hendricks discloses a method as discussed in the rejection of claim 38. Inherently, each active region has its own associated predetermined action.

Regarding claim 40, Hendricks discloses triggering a separate predetermined action for each active region (see figure 28g).

Regarding claim 41, Hendricks discloses the information defining the active region and/or the predetermined action is received in during the vertical blanking interval of the TV signal (see col. 40, lines 52-65).

Regarding claim 42, Hendricks discloses the information defining the active region and/or the predetermined action is specified prior to receiving the TV signal (see col. 11, line 50-col. 12, line 28).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7, 43-59, 61-67, 70-74, 76-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,734,853) as applied to claim 1 above, and in view of Newman et al. (US 5,983,245).

Regarding claim 6, Hendricks discloses a method as discussed in the rejection of claim 1. However, Hendricks fails to disclose generating a webpage having a link to a resource.

Newman discloses generating a webpage having a link to a resource (see figure 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to generate a webpage having a link to a resource as taught by Newman in order to link to a source using Internet.

Regarding claim 7, Hendricks discloses the active region is substantially in registration with the graphic symbol received in the TV signal (see figures 28a-29g).

Regarding claim 43, Hendricks discloses a system comprising:
set top box 220 having communications links for receiving TV signals;
monitor 222 for display received signals, the TV signals including a frame comprising an embedded graphic symbol;
input device 900 for receiving user input from a viewer; (see figures 5a and 7)
software instructions stored within the set top device for generating active region corresponding to the graphic symbol, and for triggering a predetermined action associated with the active region in respond to viewer input (see figures 9a-9b, 17-19).
However, Hendricks fails to disclose generating a webpage having active region.

Newman discloses generating a webpage having active region (see figure 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to generate a webpage having a link to a resource as taught by Newman in order to link to a source using Internet.

Regarding claims 44-59, the claim limitations of the system being claimed correspond to the claim limitations of the method being claimed in claims 2-17 and are analyzed as discussed with respect to the rejections of claims 2-17.

Regarding claims 61-67, the claim limitations of the system being claimed correspond to the claim limitations of the method being claimed in claims 19-25 and are analyzed as discussed with respect to the rejections of claims 19-25.

Regarding claims 70-74, the claim limitations of the system being claimed correspond to the claim limitations of the method being claimed in claims 28-32 and are analyzed as discussed with respect to the rejections of claims 28-32.

Regarding claims 76-84, the claim limitations of the system being claimed correspond to the claim limitations of the method being claimed in claims 34-42 and are analyzed as discussed with respect to the rejections of claims 34-42.

8. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,734,853) as applied to claim 24 above, and in view Newman of Moncreiff (US 5,828,839).

Regarding claim 26, Hendricks discloses a method as discussed in the rejection of claim 24. However, Hendricks fails to disclose the accessed resource comprises a communications utility that enables the viewer to communicate with others.

Moncreiff discloses the accessed resource comprises a communications utility that enables the viewer to communicate with others (see col. 2, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to incorporate communications utility as taught by Moncreiff in order to allow communications between users.

Regarding claim 27, Moncreiff discloses the communications utility comprises a chat program (see col. 2, lines 1-26).

9. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,734,853) in view of Newman et al. (US 5,983,245) as applied to claim 66 above, and further in view of Moncreiff (US 5,828,839).

Regarding claim 68, Hendricks in view of Newman et al. discloses a system as discussed in the rejection of claim 66. However, neither Hendricks nor Newman et al. discloses the accessed resource comprises a communications utility that enables the viewer to communicate with others.

Moncreiff discloses the accessed resource comprises a communications utility that enables the viewer to communicate with others (see col. 2, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Newman et al. to incorporate communications utility as taught by Moncreiff in order to allow communications between users.

Regarding claim 69, Moncreiff discloses the communications utility comprises a chat program (see col. 2, lines 1-26).

9. Claims 18, 33 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,734,853).

Regarding claim 18, Hendricks discloses a method as discussed in the rejection of claim 17. However, Hendricks fails to explicitly disclose a first context corresponds to a first state in which a set top device is logged into an online service provider host computer and a second context correspond to a second state in which the set top device is not logged into the online service provider host system. Official Notice is taken

that first context corresponds to a first state and second context corresponds to a second state in which a set top device is logged or not logged into the online service provider host computer for indicating the status of connection to the network is well known in the art. Therefore, it would have been obvious to one of ordinary in the art to modify Hendricks with a well-known technique of indicating first and second context correspond to first and second state in which a set top device is logged or not logged into an online service provider host computer in order to indicate the status of connection to the service provider.

Regarding claim 33, the claim limitations correspond to the claim limitations of claim 18 and analyzed as discussed in the rejection of claim 18.

Regarding claim 85, the claim limitations direct toward embody the method of claim 1 in a "computer-readable medium". It would have been obvious to embody the procedure of Hendricks discussed with respect to claim 1 in a "computer-readable medium" in order that the instruction could be automatically performed by a processor.

10. Claims 60 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,734,853) and in view of Newman et al. (US 5,983,245) as applied to claim 59 and 74 above.

Regarding claim 60, Hendricks in view of Newman discloses a method as discussed in the rejection of claim 59. However, Hendricks fails to explicitly disclose a first context corresponds to a first state in which a set top device is logged into an online service provider host computer and a second context correspond to a second state in which the set top device is not logged into the online service provider host system. Official Notice is taken that first context corresponds to a first state and second context corresponds to a second state in which a set top device is logged or not logged into the online service provider host computer for indicating the status of connection to the network is well known in the art. Therefore, it would have been obvious to one of ordinary in the art to modify Hendricks and Newman with a well-known technique of indicating first and second context correspond to first and second state in which a set top device is logged or not logged into an online service provider host computer in order to indicate the status of connection to the service provider.

Regarding claim 75, the claim limitations correspond to the claim limitations of claim 60 and analyzed as discussed in the rejection of claim 60.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barnett et al. (US 6,369,840) discloses a computer-implemented method and system for generating and displaying a calendar containing user-selected events from user selected categories.

Tanigawa (US 6,118,442) discloses graphical-interactive screen display apparatus and peripheral units.

Boyer et al. (US 6,268,849) discloses internet television program guide system with embedded real-time data.

Rangan et al. (US 6,154,771) discloses real time receipt, decompression and play of compressed streaming video/hypervideo; with thumbnail display of past scenes and with replay, hyperlinking and/or recording permissively initiated retrospectively.

Shoff et al. (US 6,240,555) discloses interactive entertainment system for presenting supplemental interactive content together with continuous video programs.

Nishikawa et al. (US 6,351,270) discloses miniature video in the guide logo

Beck et al. (US 6,381,640) discloses method and apparatus for automated personalization and assignments to agents within a multimedia communication center.


Falciglia (US 5,971,849) discloses computer-based system and method for playing a poker-like game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
August 20, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600